

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
-vs-) **No. CR-16-021-D**
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)
SAMANTHA ELIZABETH FORSYTHE,)
)
)
Defendant.)

ORDER

This matter comes before the Court on the government's Motion to Continue Jury Trial [Doc. No. 17], filed March 31, 2016. The government captions its filing as a "Joint Motion" and states Defendant joins in its request for a continuance of the jury trial currently set for April 12, 2016, to the May 10, 2016 trial docket. On April 6, 2016, Defendant filed her Motion to Join in the Motion to Continue [Doc. No. 22], accompanied by a written acknowledgment and waiver of rights under the Speedy Trial Act, 18 U.S.C. §§ 3161-74.

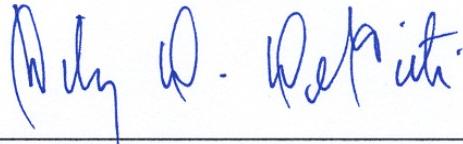
Upon consideration of the parties' Motions and the ends of justice, the Court finds that the need for a continuance outweighs the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A); *see also United States v. Toombs*, 574 F.3d 1262, 1273 (10th Cir. 2009). For the reasons fully set forth in the Motions, the Court finds that a one-month delay is necessary to afford a reasonable amount of time for the government to complete forensic testing of controlled substances, for both parties to complete their factual investigation, and for defense counsel to competently advise Defendant regarding the charges

in the Indictment. Proceeding to trial on April 12, 2016, would deprive counsel for both parties of adequate time for effective trial preparation and possible resolution of the charges against Defendant.

In making its findings, the Court has considered the statutory factors set forth in Section 3161(h)(7)(B), and has concluded that the requested continuance is fully consistent with congressional policies and precedent. *See Bloate v. United States*, 559 U.S. 196, 214 (2010); *Toombs*, 574 F.3d at 1269. Further, no circumstance is present that would prohibit a continuance pursuant to Section 3161(h)(7)(C). Therefore, the period of delay caused by granting the Motion is excludable under Section 3161(h)(7), and this time period shall be excluded for purposes of the Speedy Trial Act.

IT IS THEREFORE ORDERED that the parties' Motions [Doc. Nos. 17 and 22] are GRANTED. This case stricken from the April 12, 2016 trial docket and continued to the May 10, 2016 jury trial docket. Proposed voir dire, motions in limine, and requested jury instructions shall be filed by May 2, 2016, and any objections are due by May 6, 2016.

IT IS SO ORDERED this 7th day of April, 2016.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE